

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Malik

Serial No.: 09/739,816

Filed: December 20, 2000

Confirmation No.: 4055

Group Art Unit: 2145

Examiner: Swearingen, Jeffrey R.

Docket No.: 190252-1730

For: Method and Apparatus for Dynamically Managing Electronic Mail Messages on a Remote Electronic Mail Messaging System

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made statements in the Statement of Reasons for Allowance that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to ensure proper interpretation of the claims and history.

While Applicant agrees with the Examiner that the stated reasons for allowance of the claims are indeed valid grounds for allowance, Applicant wishes to clarify for the record that the stated reasons may be viewed as an oversimplification of the issues. Along these lines, first, Applicant does *not* admit that the stated reasons for allowance are the only reasons for allowance, and Applicant contends that the allowance and scope of these claims are in fact *not* limited to the Examiner's stated reasons for allowance. Second, each allowed claim has a different combination of elements, which distinguish each claim from the references of record, and consequently, each claim should be analyzed separately for infringement and validity. 35 U.S.C. 288. In other

words, all of the claims do not stand or fall together, especially and particularly based upon the stated reasons for allowance.

Additionally, Examiner Swearingen has defined "a code" as taught in the specification, page 10, lines 6-8 as a particular character string or symbol which flags the message for processing. Applicant respectfully submits that this is but one embodiment and the element of a code should not be limited by the Examiner's statement, but only by the specification as a whole with any equivalents allowed by law.

If the Examiner disagrees with any of Applicant's comments herein, Applicant respectfully requests that the Examiner further clarify the record. Otherwise, it should be assumed that the above discussion is an accurate characterization of the file history and interpretation of the claims.

Respectfully submitted,



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